

LDWSP  
12.3.54 v5

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, ) No. CR 88-271 W  
 )  
v. ) INFORMATION  
 )  
RIEDEL INTERNATIONAL, INC., )  
JAMES A. REPMAN, )  
RONALD E. SUMMERS, and )  
 )  
Defendants. )

The United States Attorney charges that:

INTRODUCTION

1. At all times relevant to this Information, RIEDEL INTERNATIONAL, INC.. (hereinafter "RIEDEL") was a corporation incorporated under the laws of the State of Oregon and headquartered in Portland, Oregon. At all times relevant herein, Pioneer Construction Materials Company (hereinafter "Pioneer") was a division of RIEDEL which operated, among other things, two ready-mix concrete plants in Seattle, Washington, one located at 901 Fairview Avenue, North, Seattle, Washington, (hereinafter referred to as the "Fairview Plant") and the other located at 5975 East Marginal Way, South, Seattle, Washington (hereinafter

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known as the "Duwamish Plant"). At all times relevant, concrete mixing trucks used at each of these facilities were washed at least once per day and the wastewater generated by this process, as well as waste concrete and wastewater from other sources related to the concrete manufacturing process, was placed in the washwater systems at each plant.

2. At all times relevant, the Fairview plant was located adjacent to Lake Union, in Seattle, Washington. Lake Union, at all time relevant herein, has been a navigable water of the United States as defined in Title 33, United States Code, Section 1362(7).

3. At all times relevant, the Duwamish Plant was located adjacent to the Duwamish River, in Seattle, Washington. The Duwamish River, at all times relevant herein, has been a navigable water of the United States as defined in Title 33, United States Code, Section 1362(7).

4. At all times relevant, JAMES A. REPMAN was President of Pioneer with responsibility for all Pioneer operations at the Fairview and Duwamish plants.

5. At all times relevant, RONALD E. SUMMERS was Operations Manager for Pioneer with responsibility for both the Fairview and the Duwamish plants.

Counts I - V

Paragraphs 1, 3, 4 and 5 of the Introduction are hereby incorporated by reference.

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1 navigable water of the United States, to wit, Lake Union, without  
2 a permit for said discharge under the National Pollutant Discharge  
3 Elimination System, pursuant to Title 33, United States Code,  
4 Sections 1311(a) and 1342.

5 All in violation of Title 33, United States Code, Sections  
6 1311(a) and 1319(c)(1).

7 Count VII

8 Paragraphs 1, 3, and 4 of the Introduction are hereby  
9 incorporated by reference.

10 On or about each of the dates enumerated and set forth below,  
11 at Seattle, within the Western District of Washington, JAMES A.  
12 REPMAN did negligently discharge, or allow to be discharged,  
13 pollutants, that is wastewater generated from concrete  
14 manufacture and distribution, and collected in the washwater  
15 system, from a point source into a navigable water of the United  
16 States, to wit, the Duwamish River, without a permit for said  
17 discharge under the National Pollutant Discharge Elimination  
18 System, pursuant to Title 33, United States Code, Sections 1311(a)  
19 and 1342.

20 1. June 13, 1986

21 2. June 19, 1986

22 All in violation of Title 33, United States Code, Sections  
23 1311(a) and 1319(c)(1).

24 Count VIII

25 Paragraphs 1, 3, and 4 of the Introduction are hereby  
26 incorporated by reference.

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On or about each of the dates enumerated and set forth below, at Seattle, within the Western District of Washington, JAMES A. REPMAN did negligently discharge, or allow to be discharged, pollutants, that is wastewater generated from concrete manufacture and distribution, and collected in the washwater system, from a point source into a navigable water of the United States, to wit, the Duwamish River, without a permit for said discharge under the National Pollutant Discharge Elimination System, pursuant to Title 33, United States Code, Sections 1311(a) and 1342.

1. June 26, 1986

2. August 20, 1986

All in violation of Title 33, United States Code, Sections 1311(a) and 1319(c)(1).

Count IX

Paragraphs 1, 2, and 5 of the Introduction are hereby incorporated by reference.

On or about each of the dates enumerated and set forth below, at Seattle, within the Western District of Washington, RONALD E. SUMMERS did willfully and negligently discharge, or cause to be discharged, pollutants, that is wastewater generated from concrete manufacture and distribution, and collected in the washwater system, from a point source into a navigable water of the United States, to wit, Lake Union, without a permit for said discharge under the National Pollutant Discharge Elimination System,

1 pursuant to Title 33, United States Code, Sections 1311(a) and  
2 1342.

3 1. April 21, 1986

4 2. May 5, 1986

5 All in violation of Title 33, United States Code, Sections  
6 1311(a) and 1319(c)(1).

7 Count X

8 Paragraphs 1, 2, and 5 of the Introduction are hereby  
9 incorporated by reference.


10 On or about each of the dates enumerated and set forth below,  
11 at Seattle, within the Western District of Washington, RONALD E.  
12 SUMMERS did willfully and negligently discharge, or cause to be  
13 discharged, pollutants, that is wastewater generated from concrete  
14 manufacture and distribution, and collected in the washwater  
15 system, from a point source into a navigable water of the United  
16 States, to wit, Lake Union, without a permit for said discharge  
17 under the National Pollutant Discharge Elimination System,  
18 pursuant to Title 33, United States Code, Sections 1311(a) and  
19 1342.

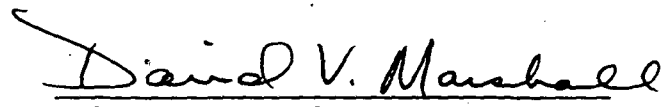
20 1. May 27, 1986


21 2. June 12, 1986  
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23  
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1 All in violation of Title 33, United States Code, Sections  
2 1311(a) and 1319(c)(1).

3 DATED this 20<sup>th</sup> day of September, 1988.  
4

5   
6 GENE S. ANDERSON  
7 United States Attorney

8   
9 DAVID V. MARSHALL  
10 Assistant United States Attorney

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12 HELEN J. BRUNNER  
13 Special Assistant United States  
14 Attorney

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON

8 UNITED STATES OF AMERICA, )  
9 Plaintiff, )  
10 v. )  
11 RIEDEL INTERNATIONAL, INC., )  
12 Defendant. )

No. CR88-27/W

PLEA AGREEMENT

13  
14 The United States of America, by and through Gene S. Anderson,  
15 United States Attorney for the Western District of Washington,  
16 David V. Marshall, Assistant United States Attorney for said  
17 District, and Helen J. Brunner, Special Assistant United States  
18 Attorney for said district, and the Defendant, RIEDEL  
19 INTERNATIONAL, INC.; (hereinafter "RIEDEL") through its counsel  
20 Kelly Corr, enter the following agreement pursuant to Rule  
21 11(e)(1)(C) of the Federal Rules of Criminal Procedure:

22 1. Defendant RIEDEL hereby agrees to enter a plea of guilty  
23 to Counts I through VI of an Information attached hereto and  
24 incorporated herein by reference, which counts charge violations  
25 of the Federal Water Pollution Control Act (the "Clean Water  
26 Act"), 33 U.S.C. §§ 1311(a) and 1319(c)(1), by discharging

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1 pollutants from a point source into a navigable water of the  
2 United States without a permit on the dates specified in these  
3 Counts.

4 2. Defendant understands that the maximum possible penalty  
5 for a violation of Title 33, United States Code, Sections 1311 and  
6 1319(c)(1), as charged in Counts I through VI, is a fine of ONE  
7 HUNDRED THOUSAND DOLLARS (\$100,000.00) for each count, pursuant to  
8 the alternative fines provision of Title 18, United States Code,  
9 Section 3623. In addition, pursuant to Title 18, United States  
10 Code, section 3013, defendant RIEDEL is subject to a mandatory  
11 penalty assessment of ONE HUNDRED DOLLARS (\$100.00) per count, to  
12 be paid to the Crime Victims Fund.

13 3. Pursuant to Rule 11(e)(1)(C) of the Federal Rules of  
14 Criminal Procedure, the parties hereby agree that, following entry  
15 of the guilty pleas by RIEDEL to Counts I through VI of the  
16 Information, that the appropriate sentence to be imposed shall be  
17 a fine of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) for each  
18 Count, for a total fine of ONE HUNDRED FIFTY THOUSAND DOLLARS  
19 (\$150,000.00).

20 This agreed disposition as to Counts I through VI is material  
21 to both parties to this agreement. Should the Court choose to  
22 reject the agreed disposition as to these Counts, both parties  
23 reserve the right pursuant to Rule 11(e)(1)(C) of the Federal  
24 Rules of Criminal Procedure to withdraw from this agreement.

25 4. Plaintiff United States agrees not to file any additional  
26 charges against RIEDEL with respect to discharges of wastewaters

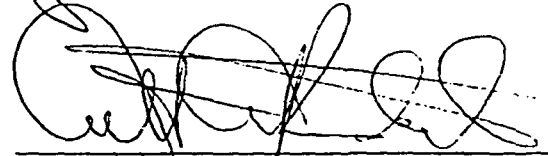
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(pollutants) from facilities within the Western District of Washington previously owned and operated by Pioneer Construction Materials Company, a division of RIEDEL, which discharges occurred prior to the time of entry of a plea herein.

5. The above-stated terms and conditions comprise the entire agreement between the United States of America, RIEDEL, and its attorney, Kelly Corr.

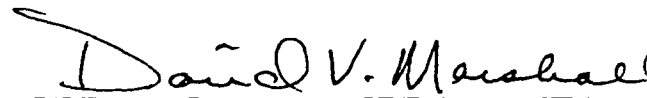
DATED this 17th day of September, 1988.



ARTHUR RIEDEL  
Chairman  
Riedel International, Inc.



KELLY CORR  
Attorney for Riedel  
International, Inc.



DAVID V. MARSHALL  
Assistant United States Attorney



HELEN J. BRUNNER  
Special Assistant United States  
Attorney